UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/964
19 October 1998

ORIGINAL: ENGLISH

LETTER DATED 19 OCTOBER 1998 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like to refer to the letter from the Chargé d'affaires of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General dated 7 October 1998 (A/53/480), which sets out a number of allegations bearing scant regard to fact. The intent of the present letter is not to enter into a debate about the veracity of facts which can be verified by cursory reference to existing international documents, including those of the Security Council. Rather, it is to clarify the nature of the relations between the two States and in this way to cast light upon the remaining issues to be resolved. In consideration of the fact that the issues under review are all matters which have been or are currently part of the work of the Security Council, I have directed the present letter to you.

Reconciliation and return

The Republic of Croatia seeks good neighbourly relations with the Federal Republic of Yugoslavia. My Government will continue to invest strong efforts for the complete normalization of relations between the two States. Nevertheless, the aggression and occupation carried out by the Federal Republic of Yugoslavia (as defined in General Assembly resolution 49/43) is a heavy burden of the recent past. Those Croatian Serbs who took part in the rebellion in 1991 and cooperated with the occupying forces until 1995 have been amnestied for crimes committed, other than war crimes. Since regaining control over all of its formerly occupied territories, Croatia has been successfully implementing its return and reconciliation programmes in regard to all refugees and displaced persons, irrespective of ethnicity (Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons (S/1998/589) and Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia (S/1997/772)). It is clear that the implementation of those programmes has involved both high and low points. However, it is a process to which Croatia is committed. This commitment is reflected in the fact that Croatia represents a rare example of mass return of formerly displaced persons. The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, which has been qualified as the joint success of the United Nations and Croatia, as well as the

recent timely conclusion of the mandate of the United Nations Police Support Group, demonstrates a continuing trend of positive developments.

The International Tribunal for the former Yugoslavia

The unwillingness of the Federal Republic of Yugoslavia to cooperate with the International Tribunal for the former Yugoslavia, its continued harbouring from the Tribunal of indictees charged with the most grievous war crimes, Šljivančanin, Mrkšić and Radić, is of serious concern to Croatia since those acts are in blatant disregard of international law, the Tribunal and the Security Council. An even greater concern stems from the fact that such lack of cooperation is a function of the Federal Republic of Yugoslavia's unwillingness to accept responsibility for its role in the war in south-eastern Europe, or to prosecute those who have committed even the worst war crimes. That practice of the Federal Republic of Yugoslavia continues to have a very negative impact on the process of reconciliation which Croatia is seeking to implement. A sense of freedom from prosecution, and hence from responsibility, for the war crimes committed has been created, thereby encouraging further breaches of international humanitarian law by the armed forces of the Federal Republic of Yugoslavia subsequently in Bosnia and Herzegovina and in Kosovo.

Prevlaka

Significant results have been achieved in the normalization of relations between Croatia and the Federal Republic of Yugoslavia. A number of bilateral agreements have been entered into and sensitive security issues resolved. Prevlaka is the only remaining significant security question. Although it is beneficial that bilateral talks are in progress, it is unhelpful that those talks are being unnecessarily extended by the Federal Republic of Yugoslavia's evasion of the core issue. The Federal Republic of Yugoslavia must finally and unequivocally accept the principle of the inviolability of the international borders of the successor States to the dissolved former Socialist Federal Republic of Yugoslavia.

Croatia has and shall continue to have full understanding for the security concerns of the Federal Republic of Yugoslavia in Bota Kotorska Bay. To breach those concerns, the best solution for both States, as well as the entire region, is demilitarization. In that regard, Croatia has proposed asymmetrical demilitarization (S/1998/533), whereby a larger area of its territory than that of the Federal Republic of Yugoslavia would be demilitarized. However, Croatia will not allow its internationally recognized borders to be brought into question. In maintaining this position of principle, Croatia is supported by the international community through the resolutions, decisions and legal opinions of international organizations, including the Security Council, which have repeatedly confirmed the territorial integrity of Croatia. The principle of the inviolability of international borders is non-negotiable. Its observance is the pillar of the contemporary global security architecture.

Once the Federal Republic of Yugoslavia accepts the basic principles mentioned above, the question of Prevlaka will become an easily resolvable, technical matter of marking the existing international land border and delimiting the border at sea, as well as defining the demilitarization regime

and the measures by which it will be verified. The best indicator of the harmfulness of the Federal Republic of Yugoslavia's evasion of a solution to the question of Prevlaka to the interests of both States and the local population on both sides of the border is the dissatisfaction of the Montenegrin authorities with the unnecessary prolongation of the negotiations and the failure to open crossing points on the southern border between the two States.

Kosovo

Owing to the threat to peace and security in the wider region, including the threat of a flow of refugees and a humanitarian crisis at its borders, Croatia, as a country neighbouring the Federal Republic of Yugoslavia, is rightfully interested in a swift and successful resolution of the crisis in Kosovo. Croatia has on several occasions indicated its support for broad autonomy for the Albanian population of Kosovo, but also the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. Indeed, it is the Federal Republic of Yugoslavia which created a dangerous precedent in the region by disrespecting the principle of the inviolability of international borders time and again. This has now returned to directly endanger its own territorial integrity. Croatia looks forward to a Federal Republic of Yugoslavia which has successfully resolved all of its problems and which is not the subject of international concern due to political insecurity and lack of respect for international humanitarian law. Croatia will continue to foster a political dialogue which will allow for an equitable solution based upon justice, the only guarantee of lasting stability. Accordingly, Croatia welcomes the initiatives of the international community aimed at solving the Kosovo crisis, particularly Security Council resolution 1199 (1998) and the arrangements subsequently agreed to.

Succession

Regarding the status of the Federal Republic of Yugoslavia in international organizations, Croatia is of the view that the Federal Republic of Yugoslavia, as one of the successor States to the former Socialist Federal Republic of Yugoslavia, must apply for membership in international organizations. Croatia will gladly support an application by the Federal Republic of Yugoslavia which meets the criteria for admission to a particular international organization. The Federal Republic of Yugoslavia is the bearer, in equal measure, of all the rights and responsibilities which have been passed on to the successor States following the dissolution of the former Socialist Federal Republic of Yugoslavia. Any form of continuity which would place the Federal Republic of Yugoslavia in a more privileged position than the other successor States is unacceptable not only to Croatia, but also to the remaining successor States and the international community. The equality of all of the successor States in every respect has been confirmed by the relevant resolutions of the General Assembly and the Security Council and the opinions of the Arbitration Commission of the International Conference on the former Yugoslavia.

I trust that this elaboration will assist in clarifying the position of Croatia.

I would request your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative